

# Grant County Planning Commission

## September 26<sup>th</sup>, 2005

The September 26 2005 regular meeting of the Planning Commission was called to order by Chairman John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Bill Marksberry, Nick Kinman, Vernon Webster, Nancy Duley, Howard Brewer, Marvin Faulkner, Dan Bates, Attorney: Tom Nienaber, Engineer: Ray Erpenbeck, Becky Ruholl

There was a quorum present.

### ITEM 1: AUGUST MINUTES

Howard Brewer made a motion to approve the August meeting minutes, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

### ITEM 2: AUGUST FINANCIAL REPORT

Vernon Webster made a motion to approve the August financial report, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

### ITEM 3: ADMINISTRATORS REPORT

Becky Ruholl stated that the Commission would have a special meeting on Monday October 3<sup>rd</sup>, at 7:00 PM for a public hearing for a zone change request.

### ITEM 4: MAP AMENDMENT - Bishop

**APPLICANT:** Nadine Bishop

**GENERAL LOCATION:** Located On the West side of U.S. 25, 0.7 miles South of Sherman Mt. Zion Road, Dry Ridge, KY 41035

**REQUEST:** Agricultural - One (A-1) to Residential One E (R-1E)

Chairman John Lawrence declared the public hearing open.

Jeff Shipp, attorney representing the applicant, stated that the request was to change the zoning from Agricultural One to Residential One E. He said that the request is in agreement with the Comprehensive Plan. He said that the property is 43.27 acres and the plans are for 114 residential lots that would be developed in stages. He said that this property is just south of the property that was recently purchased by the Grant County Schools and they plan to build 2 to 3 schools on that property. He said that the development plan show walking trails, a common area and lake to the rear of the property and playground and shelter areas. He said that the staff recommendation is for approval because it is in compliance with the Comprehensive Plan. He said that the traffic study had been completed and stated that based on their study there was no need for a turn lane.

Chairman John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the request.

Vernon Webster asked if Mr. Shipp could restate what the traffic study says. Mr. Shipp read the conclusion and recommendations from traffic study which state: that the impact analysis indicates that the proposed new project access intersection on US 25 will generate 67 trips out of the development during the AM peak hour and 76 trips entering during the PM peak hour. Analysis of the level of service conditions at this new intersection during the weekday peak hour indicates the intersection will operate with very acceptable conditions for entering and exiting left-turn movements. According to the analysis no added auxiliary turn lanes are required at the proposed access.

Mr. Shipp said that the staff recommended a turn lane but based on the traffic study it is not required. He said that the applicant will do whatever the state highway department requires. He said that the staff also recommended that the developer give up lots 1 and 114. He said that those lots are currently 13,000 square feet and the minimum requirement is 9,000 square feet so they could give some of those lots without giving the entire lot.

Nick Kinman asked how far this entrance was from the entrance to the Mobile Home Park. Logan Murphy said that it was about 200 to 300 feet.

Jeff Shipp said that there were sewer agreements with Dry Ridge and Summerfield property and the School.

Marvin Faulkner asked when the sewer would be in place. Mr. Shipp said that on August 1<sup>st</sup> Dry Ridge, Summerfield and the School signed an agreement and Williamstown approved that agreement. He said that to get to the School property they must go through this development which would provide sewer to the property.

John Lawrence asked if the road would be connected to the school property. Logan Murphy said that they had discussed that and they would address those issues with the Preliminary Plat.

Howard Brewer asked if this property had been annexed into the City. Mr. Shipp said that it had not but the intent was to have it annexed.

Vernon Webster made a motion to recommend to Fiscal Court to approve the request from Agricultural One to Residential One E based on the Facts heard at the public hearing that the location and request is in agreement with the Comprehensive Plan with the following conditions 1: turn lanes be designed by the State Highway Department and constructed within 2 years. 2. street into the School property have a side walk along lots 98 and 99. 3. the developer make the green areas easy to access. He also recommended that the developer have the City to issue a letter to the Fiscal Court stating that they will provide sewage and were going to annex. Marvin Faulkner seconded the motion. A roll call vote was taken: Bill Marksberry: yes, Nick Kinman: yes, Vernon Webster: yes, Nancy Duley: yes, Howard Brewer: yes, Marvin Faulkner: yes, Dan Bates: yes. Motion passes.

#### **ITEM 5: MAP AMENDMENT - Legacy III Builders, LLC**

**APPLICANT:** Legacy III Builders, LLC

**GENERAL LOCATION:** 35 Broadway, Dry Ridge, KY 41035

**REQUEST:** Residential One (R-1) to Central Business District (CBD)

Chairman John Lawrence declared the public hearing open.

David Wallace, attorney representing Legacy Builders, stated that either side of this property was currently zoned CBD and across the road was zoned CBD. He said that the access to this property was from Judith Street. He said that the Comprehensive Plan calls for this property to be developed as Commercial property.

Chairman John Lawrence asked if anyone wished to speak for or against the request.

George Hedges said that he owns the property behind this land and he is not against the request but he wanted to know about the parking and what type of business they were going to have in the house.

Mr. Wallace said that they are providing 4 parking spacing and the house was going to be used as office space for Legacy Builders.

Chairman John Lawrence declared the public hearing closed.

Vernon Webster asked what was going to be done with the property in the future. Mr. Wallace said that the size of the lot and the amount of parking spaces that they could provide would limit the uses that could go on the property.

Becky Ruholl stated that there are a certain number of parking spaces that are required for specific businesses. She said that the Zoning Ordinance states how many parking spaces they would have to provide for a particular business.

Vernon Webster made a motion to recommend approval of the request based on the finding of fact that the request is in compliance with the Comprehensive Plan, all adequate public facilities are available, the area is predominately commercial in nature and the use of the property should not have an impact on the surrounding area, the City of Dry Ridge Fire Department is located within 500 feet of the request so there should be no adverse impact with police and fire protection, Howard Brewer seconded the motion. A roll call vote was taken: Bill Marksberry: yes, Nick Kinman: yes, Vernon Webster: yes, Nancy Duley: yes, Howard Brewer: yes, Marvin Faulkner: yes, Dan Bates: yes. Motion passes.

#### **ITEM 6-9:**

**MAP AMENDMENT - Martin**

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**APPLICANT:** Chris Martin

**GENERAL LOCATION:** 38 North Main Street, Dry Ridge, KY 41035

**REQUEST:** Residential Three (R-3) to Central Business District (CBD)

**MAP AMENDMENT - Spenneberg**

**APPLICANT:** Geneva Spenneberg

**GENERAL LOCATION:** 47 North Main Street, Dry Ridge, KY 41035

**REQUEST:** Residential Three (R-3) to Central Business District (CBD)

**MAP AMENDMENT - Williams**

**APPLICANT:** Chalmer and Joy Williams

**GENERAL LOCATION:** 49 North Main Street, Dry Ridge, KY 41035

**REQUEST:** Residential Three (R-3) to Central Business District (CBD)

**MAP AMENDMENT - Lucas**

**APPLICANT:** Gus Lucas

**GENERAL LOCATION:** 42 North Main Street, Dry Ridge, KY 41035

**REQUEST:** Residential Three (R-3) to Central Business District (CBD)

Mr. Nienaber stated that there were 4 applications that the properties were all adjoining and there was one staff report therefore the Commission could have one report from the applicants representative and then vote on the requests separately.

Chairman John Lawrence declared the public hearing open.

Chairman John Lawrence stated that the Commission wanted to make it clear that the staff reports are prepared by a consultant and not by Ms. Ruholl.

Mike Mulvey, attorney representing the applicants, stated that there were 4 applicants requesting a change from Residential Three to Central Business District. He said that the requests are in compliance with the Comprehensive Plan. He said that the Directors report recommends that the requests be granted because they are in compliance with the Comprehensive Plan. He said that the only property that was going to instantly become a commercial use was the Williams property which was the old Masonic Lodge. He said that these properties are contiguous and do touch existing commercial property therefore it is not considered spot zoning. Mr. Mulvey said that Mr. Williams was the only applications with an attached site plan and the remaining properties were asking that they not be required to submit a development plan at this time but they would submit a plan when they decided to develop the property.

Chairman John Lawrence asked if anyone wished to speak for or against the request.

Mr. Ballard said that his property is just south of the Spenneberg property and he asked what this would do to his property. Becky stated that his property would remain residential.

Chairman John Lawrence declared the public hearing closed.

Nick Kinman asked what would happen to these homes if they were changed to Commercial and they burned. He asked if they would be allowed remain homes. Becky stated that if the zone is changed they become non conforming uses and as long as they remain homes they can stay homes but if the property is used as commercial they could not then go back to being a residential use.

Vernon Webster stated that the city could have an opportunity to have a unique development but they have chosen not to submit a concept development plan.

Mr. Nienaber stated that the Commission would need to make a motion for each individual application.

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Howard Brewer made a motion to recommend approval of the request made by Chris Martin based on the finding of fact that the request is in compliance with the Comprehensive Plan, with the condition that the three other requests for the adjoining properties be approved, Nick Kinman seconded the motion. A roll call vote was taken: Bill Marksberry: yes, Nick Kinman: yes, Vernon Webster: yes, Nancy Duley: yes, Howard Brewer: yes, Marvin Faulkner: yes, Dan Bates: yes. Motion passes.

Vernon Webster made a motion to recommend approval of the request made by Geneva Spennenberg based on the finding of fact that the request is in compliance with the Comprehensive Plan, with the condition that the three other requests for the adjoining properties be approved, Dan Bates seconded the motion. A roll call vote was taken: Bill Marksberry: yes, Nick Kinman: yes, Vernon Webster: yes, Nancy Duley: yes, Howard Brewer: yes, Marvin Faulkner: yes, Dan Bates: yes. Motion passes.

Nancy Duley made a motion to recommend approval of the request made by Chalmer Williams based on the finding of fact that the request is in compliance with the Comprehensive Plan, with the condition that the three other requests for the adjoining properties be approved, Nick Kinman seconded the motion. A roll call vote was taken: Bill Marksberry: yes, Nick Kinman: yes, Vernon Webster: yes, Nancy Duley: yes, Howard Brewer: yes, Marvin Faulkner: yes, Dan Bates: yes. Motion passes.

Vernon Webster made a motion to recommend approval of the request made by Gus Lucas based on the finding of fact that the request is in compliance with the Comprehensive Plan, with the condition that the three other requests for the adjoining properties be approved, Nick Kinman seconded the motion. A roll call vote was taken: Bill Marksberry: yes, Nick Kinman: yes, Vernon Webster: yes, Nancy Duley: yes, Howard Brewer: yes, Marvin Faulkner: yes, Dan Bates: yes. Motion passes.

#### **ITEM 10: MAPLE RIDGE SECTION 2 - FINAL PLAT**

Chairman, John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat with 4 conditions. Mr. Erpenbeck stated that all 4 changes were made and the Letter of Credit had been posted.

Vernon Webster asked if the Letter of Credit was for the black top. Mr. Erpenbeck said that is was for sanitary sewer and the black top.

Marvin Faulkner made a motion to approve the plat, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 11: CCS PROPERTIES - SITE PLAN**

Marvin Faulkner made a motion to table the request because no representatives were at the meeting, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 12: CONVEYANCE PLATS - AUGUST**

Nick Kinman made a motion to approve the July Conveyances, Howard Brewer seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 10: EXECUTIVE SESSION**

Dan Bates made a motion to go into executive session to discuss personnel and pending litigation, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Nancy Duley made a motion to come out of executive session, Vernon Webster seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Chairman, John Lawrence stated that no action was taken.

Nancy Duley made a motion to raise Becky Ruholl salary, while she is acting administrator, by \$1,000 a month.

#### **ITEM 11: OTHER BUSINESS**

**Officers:**

Chairman:

Nancy Duley made a motion to nominate John Lawrence as Chairman. Howard Brewer made a motion that nominations cease, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes. Nick Kinman seconded the nomination. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Treasurer:

Nancy Duley made a motion to nominate Bill Marksberry as Treasurer. Nick Kinman made a motion that nominations cease, Howard Brewer seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes. Nick Kinman seconded the nomination. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Secretary:

Nancy Duley made a motion to nominate Nick Kinman as Secretary. Howard Brewer made a motion that nominations cease, Dan Bates seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes. Dan Bates seconded the nomination. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Vice-Chairman:

Howard Brewer made a motion to nominate Marlon Kinsey as Vice Chairman. Marvin Faulkner made a motion that nominations cease, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes. Marvin Faulkner seconded the nomination. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **Alumni Development:**

Tom Nienaber stated that this was the subdivision that did not have Ray inspect the asphalt. He said that the Bank is willing to issue a Letter of Credit for \$25,000.00. and this can be drawn upon if there are any repairs that need to be made to the street. He said that they are going to issue the Letter of Credit and it will expire in 5 years. He said that the Commission had originally required a Bond but this would be better than a Bond.

Nick Kinman made a motion to accept the Letter of Credit in the amount of \$25,000.00 to expire in 5 years for Lexington Trails Subdivision, Howard Brewer seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 12: ADJOURNMENT**

Howard Brewer made a motion to adjourn, Bill Marksberry seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

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**JOHN LAWRENCE, CHAIRMAN - DATE**

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**NICK KINMAN, SECRETARY - DATE**

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